

1 VOL: II
2 PAGES: 202-397
3 EXHIBITS: 8-12
4
5 UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF MASSACHUSETTS
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8 * * * * *
9 SHEILA J. PORTER, *
10 Plaintiff *
11 -vs- * Civil Action
12 ANDREA CABRAL; SUFFOLK COUNTY * No. 04-11935-DPW
13 SHERIFF'S DEPARTMENT; SUFFOLK *
14 COUNTY and CORRECTIONAL MEDICAL *
15 SERVICES, INC., *
16 Defendants *
17 * * * * *
18
19 CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER
20
21 CONTINUED DEPOSITION OF ANDREA CABRAL, ESQUIRE,
22 a witness called on behalf of the Plaintiff, in the
23 above-captioned matter, said deposition being
24 taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Friday, June 24, 2005, commencing at 10:10 a.m.

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1 ALSO PRESENT:
2
3 SHEILA PORTER
4 JAMES SWEET, GOODWIN PROCTER LLP
5 DENNIS D'ANGELO, GOODWIN PROCTER LLP
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1 APPEARANCES:
2 JOSEPH F. SAVAGE, JR., ESQUIRE
3 and
4 DAVID S. SCHUMACHER, ESQUIRE
5 GOODWIN PROCTER LLP
6 Exchange Place
7 Boston, Massachusetts 02109
8 On behalf of the Plaintiff
9 ELLEN CAULO, ESQUIRE
10 GENERAL COUNSEL
11 Suffolk County Sheriff's Department
12 200 Nashua Street
13 Boston, Massachusetts 02114
14 On behalf of the Defendants,
15 Andrea Cabral, Suffolk County
16 Sheriff's Department and Suffolk
17 County
18 ALEXANDRA B. HARVEY, ESQUIRE
19 ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN
20 230 Congress Street
21 Boston, Massachusetts 02110
22 On behalf of the Defendant,
23 Correctional Medical Services, Inc.
24

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Q In what way is that an inaccurate summary of

the statement provided?

A What I said in the press statement was that Sheila Porter was not terminated by the Suffolk County Sheriff's Department; she was not an employee; she was fired by CMS for reasons that are known to her and CMS. She's clearly biased and has her own agenda for coming forward or something of that nature at this time; that she was barred for violation of department policy and contractual obligations.

That's my statement.

Q In what way is what they have got there inaccurate?

A They characterize it as Porter's cooperation with the FBI, an outside agency, violated department rules. I never said anything like that in the press statement.

Q Do you know where they got that information?

A I don't.

Q Do you know who from the Sheriff's Department spoke or otherwise communicated with the people from Channel 5?

1 A I did.

2 Q Does it contain statements attributed to you?

3 A It contains what appears to be a voice-over

4 or a narrative that says, "Sheriff Cabral's

5 administration says Porter's cooperation with

6 the FBI, an outside agency, violated

7 department rules. They say Porter has her

8 own agenda."

9 I don't take that statement as

10 attributed to me. I issued a press

11 statement. That can be attributed to me.

12 How they have summarized it or the words they

13 have used, I don't think can be attributed to

14 me.

15 Q Do you believe they have accurately

16 summarized what you issued as a press

17 statement to them?

18 A No.

19 Q What efforts did you make to get them to

20 correct the inaccurate summary of the

21 statement you issued?

22 A I have never seen this before. I never saw

23 the Channel 5 report. To date, I have never

24 seen the Channel 5 report.

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1 the allegations were politically motivated,"
2 there appears to be a quote from Steve
3 Tomkins?
4 A Yes.
5 Q Who is Mr. Tomkins?
6 A He was the press spokesperson for the
7 Sheriff's Department.
8 Q Was he authorized by you to have a discussion
9 with Miss McCardle for this article?
10 A He was authorized by me to have sort of a
11 background discussion with her about what it
12 was she was going to cover with me in the
13 article and to have that conversation with
14 her.
15 Q So it was not your understanding that he was
16 going to have an on-the-record conversation?
17 A Right, and I don't think that was his
18 understanding either.
19 Q In your view, he was -- I'm not referring to
20 the substance, but he was not authorized to
21 have himself quoted in this article as far as
22 you were concerned?
23 A Not as far as I was concerned.
24 Q And he indicates here apparently that those

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1 allegations, in reference to the preceding
2 sentence which includes the statement about
3 Miss Porter, "Those allegations are a hundred
4 percent ridiculous." Is that your position,
5 that the allegations are a hundred percent
6 ridiculous?
7 MS. CAULO: Objection. I don't think
8 it's clear from that to what extent that
9 response was being offered, whether it's that
10 subset of allegations or a greater universe.
11 So I object to the premise underlying the
12 question.
13 A Ask the question again. I'm not sure what
14 you're asking.
15 Q Do you understand your spokesman to be
16 referring in the sentence that says, "Those
17 allegations were a hundred percent
18 ridiculous," to be referring to the
19 allegations in the preceding sentence?
20 A I understand them to be referring to the
21 allegations in the reporter's question. I
22 have no way of knowing whether or not what is
23 in the preceding sentence is an accurate
24 reflection of what was in the question.

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1 Q And do you believe that the allegations
2 contained in the preceding sentence are, in
3 fact, a hundred percent ridiculous?
4 A So you're not asking me about his quote?
5 Q I'm not.
6 A You're just asking me my opinion of what --
7 Q I am.
8 A I wouldn't characterize them as ridiculous.
9 I would say that I disagree with them.
10 Q Did you have any conversations with
11 Mr. Tomkins about what he was quoted as
12 saying after the article of Exhibit 10 was
13 published?
14 A Yes.
15 Q What did you say to him, and what did he say
16 to you?
17 A We had an -- I don't recall exactly what was
18 said by me and exactly what was said by him,
19 but I know that I indicated that I didn't
20 expect that he would be quoted in the
21 article. He indicated that he didn't expect
22 that he would be quoted in the article. He
23 believed what he was giving her was what
24 commonly known as on background, so he was

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1 surprised to see it in the article himself.
2 Q Did he indicate that he was misquoted?
3 A No, I don't believe so, but I think there was
4 more to his answer than what's published
5 there. I don't think -- to the extent that
6 you take that as part of his response, I
7 think that he said that.
8 Q Was he authorized by you to indicate on
9 background that the allegations were a
10 hundred percent ridiculous?
11 A No, it doesn't work that way with the press
12 spokesperson. Press people develop
13 relationships with members of the press and
14 have regular informal conversations with them
15 about a number of stories, some of which get
16 published and some of which don't. Usually,
17 it's understood the difference between an
18 individual's opinion and when they are
19 speaking in their professional capacity.
20 In this case, I assume there was a
21 misunderstanding. The way that you described
22 it is not the way that press people work,
23 because they deal with the press so
24 frequently and have established professional